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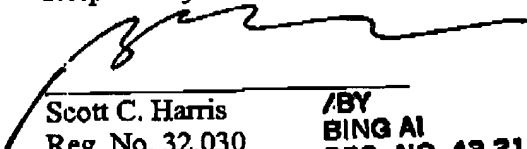
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Applicant : David Castiel, et al.  
Serial No. : 09/658,215  
Filed : September 8, 2000Art Unit : 2681  
Examiner : Kamran AfsharTitle : FIXED SATELLITE CONSTELLATION SYSTEM EMPLOYING NON-  
GEOSTATIONARY SATELLITES IN SUB-GEOSYNCHRONOUS  
ELLIPTICAL ORBITS WITH COMMON GROUND TRACKSCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is a Petition to Revive under 37 CFR 1.47(a), faxed this 10<sup>th</sup> day of September 2004, to the United States Patent and Trademark Office.

Date: September 10, 2004

Respectfully submitted,

  
Scott C. Harris  
Reg. No. 32,030/BY  
BING AI  
REG. NO. 43,312Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Fax: (858) 678-5099

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Attorney's Docket No.: 10636-005001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David Castiel, et al. Art Unit : 2681  
Serial No.: 09/658,215 Examiner : Kamran Afshar  
Filed : September 8, 2000  
Title : FIXED SATELLITE CONSTELLATION SYSTEM EMPLOYING NON-  
GEOSTATIONARY SATELLITES IN SUB-GEOSYNCHRONOUS  
ELLIPTICAL ORBITS WITH COMMON GROUND TRACKS

Commissioner for Patents  
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RENEWED PETITION UNDER 37 CFR 1.47(a)

In response to the decision dated June 16, 2004 on the prior petition filed on April 2, 2004, Applicants timely filed a petition on August 16, 2004 requesting this application be revived under 37 CFR 1.137(b) on the ground that the application became abandoned unintentionally and be accepted under 37 CFR 1.47(a). In a telephonic conversation with John J. Gillon, Jr. the Senior Attorney of the Office of Petitions on September 9, 2004, Applicants were informed that a separate renewed petition under 37 CFR 1.47(a) must be filed in order to fully comply with the requirements under 37 CFR 1.47(a) for filing when one of the inventors refuses to sign or cannot be reached.

In compliance with the rules, Applicants file this renewed petition under 37 CFR 1.47(a).

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

September 10, 2004

Date of Transmission

Signature

S. Gebhart

Name of Person Signing Certificate

Attorney's Docket No.: 10636-005001

Facts in connection with this renewed petition under 37 CFR 1.47(a) are summarized as follows.

(1) To the best knowledge of the undersigned, John Draim, one of the three joint inventors for this application, was provided with a combined power of attorney and declaration and a copy of the application as originally filed on September 8, 2000 after the filing.

(2) John Draim did not sign the declaration required under 37 CFR 1.63 after repeated requests by the attorney of this application, Scott Harris.

(3) On June 21, 2004, Bing Ai, an associate of the attorney Scott Harris, sent to John Draim at his last known residence address a package via the express mail by the U.S. Postal Service that contains a letter to John Draim, a combined power of attorney and declaration, an assignment, and a copy of the originally filed application of this case. The letter to John Draim requested John Draim to review the filed application and sign the enclosed combined power of attorney and declaration and the assignment. John Draim personally received the package on June 25, 2004.

(4) Under 37 CFR 1.47(a), a copy of the delivery receipt for the aforementioned package from the United States Postal Service dated June 25, 2004, a copy of the original express mail label, a copy of the tracking confirmation and a copy of the letter to John Draim dated June 21, 2004 are attached herewith to show that John Draim was presented with and in fact received the originally filed application which included the filed specification, the filed claims, and the filed drawings.

(5) As of today, September 10, 2004, the combined power of attorney and declaration in the above package received by mailed to John Draim on June 25, 2004 has not been returned to the

Attorney's Docket No.: 10636-005001

undersigned with the requested signature by John Draim. Therefore, it is respectfully submitted that the facts above sufficiently support that the undersigned made diligent efforts in communicating with John Draim regarding his declaration for this application and that John Draim, once again, refused to sign the combined power attorney and declaration he received on June 25, 2004.

(6) The last known address for John Draim is his residence address at

9310 Telfer Court  
Vienna, VA 22182-3438.

In view of the above facts and the evidence attached herewith, Applicants respectfully request that this application be accepted under 37 CFR 1.47(a). One of the three joint inventors, John Draim, has refused to join in the application. The declaration on record is signed by the two signing inventors, while the name of the non-signing inventor, John Draim, is left blank. The undersigned understands that under patent office rules, this is sufficient to indicate that the signing inventors are signing on behalf of the other one.

Accordingly, the requirements for the petition under 37 CFR 1.47(a) have been met and the petition should be granted.

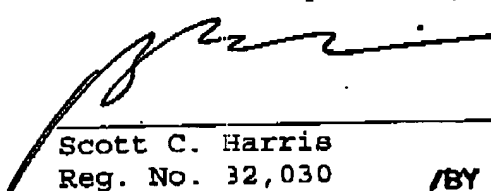
Applicants authorize the Patent Office to charge a petition fee of \$130 under 37 CFR 1.17(h) for this renewed petition under

Attorney's Docket No.: 10636-005001

37 CFR 1.47(a) and other applicable charges or credits to  
deposit account No. 06-1050.

Respectfully submitted,

Date: September 10, 2004

  
\_\_\_\_\_  
Scott C. Harris  
Reg. No. 32,030

/BY  
BING AI  
REG. NO. 43,312

Fish & Richardson P.C.  
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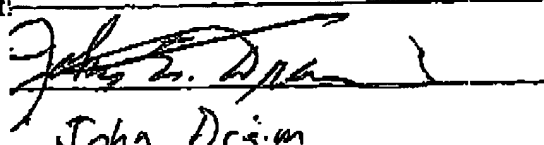
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Delivery Section

  
John Draitman

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L 10636-005001 (BXA)

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- ACCEPTANCE, June 21, 2004, 7:23 pm, SAN DIEGO, CA 92110

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**FISH & RICHARDSON P.C.**

Frederick P. Fish  
1855-1990

W.K. Richardson  
1859-1991

12390 El Camino Real  
San Diego, California  
92130

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858 678-5070

Facsimile  
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Web Site  
www.fr.com

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EV367428593US 7003 2260 0007 5998 3340

June 21, 2004

John E. Draim  
9310 Telfer Court  
Vienna, VA 22182-3438

**FR**  
BOSTON  
DALLAS  
DELAWARE  
NEW YORK  
SAN DIEGO  
SILICON VALLEY  
TWIN CITIES  
WASHINGTON, DC

**Re: FIXED SATELLITE CONSTELLATION SYSTEM EMPLOYING NON-  
GEOSTATIONARY SATELLITES IN SUB-GEOSYNCHRONOUS ELLIPTICAL  
ORBITS WITH COMMON GROUND TRACKS**

Applicant: David Castiel, et al.  
Application No.: 09/658,215  
Filing Date: September 8, 2000  
Country: United States  
Our Ref.: 10636-005001

Dear Mr. Draim:

We understand that you previously have received a copy of the filed application for this case. In addition, the Combined Declaration and Power of Attorney along with the Assignment document for the above referenced case was sent to you on September 28, 2001. However, we have not received the signed documents from you.

Enclosed please find a copy of the application as filed and another set of the formal papers (Combined Declaration and Power of Attorney and Assignment) for your review and signature. Please review and return these documents to our office as soon as possible for a timely filing with the US Patent and Trademark Office.

If you have any questions feel free to contact me.

Very truly yours,

Bing Ai

BXA/tpi

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